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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,165	02/01/2001	Luosheng Peng	10480-003-999	9627
7590	08/24/2004			
ROXANA H. YANG P. O. BOX 400 LOS ALTOS, CA 94023				EXAMINER PATEL, HARESH N
			ART UNIT 2154	PAPER NUMBER

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/776,165	PENG, LUOSHENG
	Examiner Haresh Patel	Art Unit 2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 June 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-3,6-10,13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) 4,5,11 and 12 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3,6-10,13 and 14 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 01 February 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2, 3, 4</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

1. Claims 1-3, 6-10, 13 and 14 are presented for examination. Claims 4, 5, 11 and 12 are restricted.

***Election/Restrictions***

2. Claims 4, 5, 11 and 12 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group II, paper number 11, there being no allowable generic or linking claim.
3. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-3, 6-10, 13, 14, are drawn to “parsing a first file header to retrieve a second file”, classified in class 709, subclass 206.
  - II. Claims 4, 5, 11 and 12, are drawn to “generating and embedding a tag in a file for sending the file”, classified in class 709, subclass 217.
4. The inventions are distinct, each from the other because of the following reasons: Inventions I-II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as lacking “generating and embedding a tag in a file for sending the file”, particulars. See MPEP 806.05(d).

5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
6. Because these inventions are distinct for the reasons given above and the extensive search required for one group is not required for the other groups, restriction for examination purposes as indicated is proper.
7. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
8. On July 30, 2004, Roxana H. Yang confirmed over the phone that the election was made without traverse. Hence, applicant is requested to cancel claims 4, 5, 11 and 12. Also, applicant is advised that the reply to this requirement to be complete must include the election without traverse of the invention (37 CFR 1.143).

***Priority***

9. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

***Information Disclosure Statement***

10. An initialed and dated copy of Applicant's IDS form 1449, Paper No. 2, 3, and 4, is attached to the instant Office action.

***Specification***

11. The disclosure is objected. Some of the informalities are:
  - i. The section “CROSS-REFERENCE TO RELATED APPLICATIONS” is missing serial number of the co-pending applications and related arts.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
13. Claims 1-3, 6-10, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over O’Neal 6,411,685 in view of “Official Notice”.
14. As per claims 1 and 8, O’Neal teaches a method / program product for optimizing traffic volume in a communications network as follows:

receiving a first file (e.g., e-mail containing streaming voice or image files, col., 1, line 10 – col., 2, line 48),  
parsing a header portion of said file to find a reference header (e.g., parsing of the header of an markup file containing voice or image data for the reference of the next streaming multimedia file to be downloaded, col., 1, line 10 – col., 2, line 48),

extracting an identification of a second file in said reference header (e.g., handling the e-mail attached multimedia data to retrieve the subsequent files containing multimedia data, col., 1, line 10 – col., 2, line 48),

determining a nearest location to retrieve said second file based on said identification (e.g., locating the multimedia data files in local or reference pointing location, col., 1, line 10 – col., 2, line 48), and

retrieving said second file based on said determining (e.g., multimedia content files of a thin client retrieving stream, receiving e-mail content handled by downloading modules and functions, col., 1, line 10 – col., 2, line 48).

However, O’Neal does not specifically mention about well-known concept of using an identifier. “Official Notice” is taken that both the concept and advantages of providing an identifier is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an identifier to identify another file. The well-known concept of use of MIME, GUID, and markup language tags with identifier parameters to identify streaming files in the streaming environments, would help one file to refer to the next file so that the streaming of the multimedia data can take place. The well-known concept of utilizing the previously downloaded streamed files that are present at the local cache will help referencing and processing the local files immediately, rather than having the same files to be downloaded again for use. Hence, the e-mails that is sent to the sender need not contain all the information if some of the information, i.e., any attachments or files are already present at the receiving device.

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15. As per claims 2, 3, 9 and 10, O'Neal teaches the following:

determining a tag associated with said reference header (e.g., processing of a tag of markup language using the header containing pointer information, col., 5, line 13 – col., 7, line 29),

said tag including said identifier and an address to download said second file (e.g., reference to the second multimedia file, col., 5, line 13 – col., 7, line 29),

examining a local cache for a copy of said second file (e.g., assessing the local memory for the multimedia file, col., 5, line 13 – col., 7, line 29),

examining said reference header for a server address to download said second file if said local cache does not include said second file (e.g., assessing the web location if the file is not present in the local memory for the multimedia file, col., 5, line 13 – col., 7, line 29), and

extracting an address of a sender of said first file if said reference header does not include said server address (e.g., locating the service provider of the multimedia data without using the reference information, col., 5, line 13 – col., 7, line 29).

16. As per claims 6 and 13, O'Neal teaches a method / program product for optimizing traffic volume in a communications network as follows:

receiving a first file (e.g., e-mail containing streaming voice or image files, col., 1, line 10 – col., 2, line 48),

parsing a header portion of said first file for a reference header (e.g., parsing of the header of an markup file containing voice or image data for the reference of the next streaming multimedia file to be downloaded, col., 1, line 10 – col., 2, line 48),

extracting an identification to a second file on said reference header (e.g., handling the e-mail attached multimedia data to retrieve the subsequent files containing multimedia data, col., 1, line 10 – col., 2, line 48),

examining a local cache for a copy of said second file (e.g., locating the subsequent multimedia data files in local or reference pointing location, col., 1, line 10 – col., 2, line 48),

updating said reference header to include an address to said local cache if said copy of said second file is in said local cache (e.g., updating the reference pointer to point to the already streamed downloaded file present in the local cache, col., 1, line 10 – col., 2, line 48).

However, O’Neal does not specifically mention about well-known concept of using an identifier. “Official Notice” is taken that both the concept and advantages of providing an identifier is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an identifier to identify another file. The well-known concept of use of MIME, GUID, and markup language tags with identifier parameters to identify streaming files in the streaming environments, would help one file to refer to the next file so that the streaming of the multimedia data can take place. The well-known concept of utilizing the previously downloaded streamed files that are present at the local cache will help referencing and processing the local files immediately, rather than having the same files to be downloaded again for use. Hence, the e-mails that is sent to the sender need not contain all the information if some of the information, i.e., any attachments or files are already present at the receiving device.

17. As per claims 7, 14, O’Neal teaches the following:

determining a tag associated with said reference header (e.g., processing of a tag of markup language using the header containing pointer information, col., 5, line 13 – col., 7, line 29),

said tag including said identifier (e.g., reference to the next multimedia file, col., 5, line 13 – col., 7, line 29).

### ***Conclusion***

18. Examiner makes a very clear note that the rational of the applicant’s invention has been clearly anticipated by several references (See Form PTO-892 and IDS cited arts). Applicant’s invention does contain few minor additional matters that facilitate the concepts of the applicant’s invention. However, the additional minor matters are well known in the art. The prior art made of record and not relied upon is considered pertinent to applicant’s disclosure.

The concept of utilizing bandwidth for e-mails, JPEG etc image files and streaming audio/video multimedia data in networks, like wireless cellular network, is well-known as cited by the references of form PTO-892. Handling the e-mail data and attachments, i.e., use of HTML, XML, markup language tags, href, GUID, manipulating the markup language tags, references and information, parsing of headers, navigation links, hyperlinks to local and remote locations, one e-mail or segment or document or file referring to another e-mail or segment or document or file based on needs and previously

received information for different internet servers is also well-known as cited by the attached references.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (703) 605-5234. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached at (703) 305-8498.

The appropriate fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Haresh Patel

July 30, 2004



JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100